

AUG. 25, 2003

4:41PM

858 792-6773 FOLEY AND LARDNER

NO. 4059 P. 1

FOLEY & LARDNER
ATTORNEYS AT LAW11250 EL CAMINO REAL, SUITE 200
SAN DIEGO, CA 92130
P.O. BOX 80278
SAN DIEGO, CALIFORNIA 92138-0278
TELEPHONE: 858.847.6700
FACSIMILE: 858.792.6773
WWW.FOLEYLARDNER.COM**FACSIMILE TRANSMISSION****Total # of Pages 12 (including this page)**

TO:	PHONE #:	FAX #:
United States Patent and Trademark Office Mail Stop Amendment Attn: Examiner Lisa V. Cook Art Unit 1641	703-308-0198	703-872-9306

From : Barry S. Wilson**Date :** August 25, 2003**Client/Matter No :** 071949-4102**User ID No :** 3067**MESSAGE:****Re:** U.S. Patent Application No. 09/712,615
Our Ref.: 071949-4102

Attached please find:

- Transmittal for Response to Notice of Non-Compliant Amendment (2 pgs.);
- Response to Notice of Non-Compliant Amendment (8 pgs.);
- Copy of Notice of Non-Compliant Amendment (1 pg.).

If there are any problems with this transmission or if you have not
received all of the pages, please call (858) 847-6700.

Operator:

Time Sent:

Return Original To:
Germaine Sarda

CONFIDENTIALITY NOTICE: THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE IS INTENDED ONLY FOR THE PERSONAL AND
CONFIDENTIAL USE OF THE DESIGNATED RECIPIENTS NAMED ABOVE. THIS MESSAGE MAY BE AN ATTORNEY-CLIENT
COMMUNICATION, AND AS SUCH IS PRIVILEGED AND CONFIDENTIAL. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED
RECIPIENT OR ANY AGENT RESPONSIBLE FOR DELIVERING IT TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT YOU
HAVE RECEIVED THIS DOCUMENT IN ERROR, AND THAT ANY REVIEW, DISSEMINATION, DISTRIBUTION OR COPYING OF THIS MESSAGE
IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY
TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US BY MAIL. THANK YOU.

Atty. Dkt. No. 071949-4102

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: BUECHLER et al.

Title: METHODS FOR MONITORING
THE STATUS OF ASSAYS AND
IMMUNOASSAYS

Appl. No.: 09/712,615

Filing Date: 11/13/2000

Examiner: Lisa V. Cook

Art Unit: 1641

CERTIFICATE OF FACSIMILE TRANSMISSION I hereby certify that this paper is being facsimile transmitted to the United States Patent and Trademark Office, Alexandria, Virginia on the date below.
<u>Germaine Sarda</u> (Printed Name)
<u><i>Germaine Sarda</i></u> (Signature)
<u>August 25, 2003</u> (Date of Deposit)

**TRANSMITTAL FOR RESPONSE TO NOTICE
OF NON-COMPLIANT AMENDMENT****FAX RECEIVED**
AUG 26 2003
GROUP 1600Mail Stop NON-FEE AMENDMENT
Commissioner for Patents
PO Box 1450
Alexandria, Virginia 22313-1450**OFFICIAL**

Sir:

Transmitted herewith are the following:

- [X] Response to Notice of Non-Compliant Amendment (8 pages);
- [X] Copy of Notice of Non-Compliant Amendment (1 page).

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-0872. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-0872. If any extensions of time are needed for timely acceptance of papers submitted herewith, applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 50-0872.

AUG. 25. 2003

4:42PM

858 792-6773 FOLEY AND LARDNER

NO. 4059 P. 3

Atty. Dkt. No. 071949-4102

Please direct all correspondence to the undersigned attorney or agent at the address indicated below.

Respectfully submitted,

Date August 25, 2003

FOLEY & LARDNER
Customer Number: 30542



30542

PATENT TRADEMARK OFFICE

Telephone: (858) 847-6722

Facsimile: (858) 792-6773

By

Barry S. Wilson
Barry S. Wilson
Attorney for Applicant
Registration No. 39,431



UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, DC 20231
www.uspto.gov

Paper No. 22

Notice of Non-Compliant Amendment (Voluntary Revised Practice)

The amendment filed 9-1-03 under the voluntary revised amendment practice guidelines¹, published in the Official Gazette on February 25, 2003 (*Amendments in a Revised Format Now Permitted*, 1267 Off. Gazette 106), does not fully comply with minimal requirements of the voluntary practice. In order for the amendment to be entered, it must either (1) comply with the guidelines of the voluntary revised amendment practice (which practice invokes waivers of certain 37 CFR 1.121(a)-(d) requirements) or (2) comply with current 37 CFR 1.121 requirements.

THE FOLLOWING ITEM(S) IN APPLICANT'S AMENDMENT CAUSES THE AMENDMENT TO BE NON-COMPLIANT WITH THE VOLUNTARY REVISED AMENDMENT PRACTICE.

- ☒ 1. A complete listing of all of the claims is not present in the amendment paper.
- ☐ 2. The listing of claims does not include the text of all claims currently under examination.
- ☐ 3. The claims of this amendment paper have not been presented in ascending numerical order.
- ☐ 4. Each claim has not been provided with a status identifier, and, as such, the individual status of each claim cannot be determined.
- ☐ 5. Other: _____

LIE: Check one of the following boxes:

- ☐ **PRELIMINARY AMENDMENT:** Applicant is given ONE MONTH from the mail date of this letter to re-submit the amendment in compliance with either the guidelines of the revised amendment practice or current 37 CFR 1.121. Failure to comply with either the current 37 CFR 1.121 practice or with the voluntary practice will result in non-entry of the amendment and examination on the merits will commence without entry of the originally proposed preliminary amendment. This notice is not an action under 35 U.S.C. 132, and this ONE MONTH time limit is not extendable.
- ☐ **AMENDMENT AFTER NON-FINAL ACTION:** Since the above-mentioned reply appears to be a *bona fide* response, applicant is given a TIME PERIOD of ONE MONTH from the mailing of this notice within which to re-submit an amendment which complies with either the voluntary practice guidelines or current 37 CFR 1.121 in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD ARE AVAILABLE UNDER 37 CFR 1.136(a).

Supervisory Legal Instruments Examiner (SLIE)

¹ For further explanation of the guidelines of the revised amendment format, please see the posted notice and sample amendment format at:
<http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/officeflver.pdf> and
<http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/formatrevamdiprac.pdf>